

*DFW*



**In the United States Patent and Trademark Office**

Application Number: 10/614,139

Application Filed: July 7, 2003

Applicant: George J. Miao

Examiner/GAU: Joseph Francis A Dsouza/2611

Mailed: January 1, 2007

At: Cupertino, California

**A Letter To the Office Communication (Mailed on December 27, 2006)**

Technical Support Staff  
Mail Stop Non-Fee Amendments  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

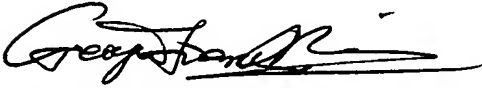
This letter is to address the Office Communication mailed on December 27, 2006, with regard to Notice Requiring Excess Claim Fees.

Applicant mailed the Amendment-A on November 27, 2006, which was received by USPTO on December 1, 2006. The Amendment-A, which is a non-fee amendment, is to address the Office Action mailed on September 19, 2006.

In the Amendment-A, there is a claim section from the page of 16 to the page of 21. On the page of 16, applicant clearly stated, "cancel the claims 1-19 and substitute new claims 20-38." This is to say that all of the record claims 1-19 have been cancelled. The substituted new claims are from 20 to 38, which only have 2 independent claims and 17 dependent claims. Thus, there is not any excess claims in the Amendment-A. Therefore, applicant requests USPTO to check the Amendment-A again and to withdraw the Office Communication (about Notice Requiring Excess Claims Fees mailed on December 27, 2006).

Also, enclosed is a copy of the office communication (mailed on December 27, 2006) for reference.

Very respectfully,



George J. Miao

----- Applicant Pro Se -----


20400 Via Pavisio, #A27

Cupertino, CA 95014

Tel. 408-865-1158

**Certificate of Mailing.** I hereby certify that this correspondence, if any, will be deposited with the United States Postal Service by First Class Mail, postage prepaid, in an envelope addressed to "Mail Stop Non-Fee Amendments, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: January 1, 2007

Inventor's Signature: 



# UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	MAIL DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,139	07/07/2003	George J. Miao		9021

7590 12/27/2006  
GEORGE J. MIAO  
20400 VIA PAVISO, # A27  
CUPERTINO, CA 95014

EXAMINER
----------

DSOUZA, JOSEPH FRANCIS A

ART UNIT	PAPER NUMBER
----------	--------------

2611

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
30 DAYS	12/27/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**NOTICE REQUIRING EXCESS CLAIMS FEES**

The excess claim(s) filed on 2/1/07 is not accompanied by the appropriate payment of excess claims fees set forth in 37 CFR 1.16(h)-(j) or 1.492(d)-(f). Excess claims fees are required for each claim in independent form in excess of three (§ 1.16(h)), each claim (whether dependent or independent) in excess of twenty (note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes) (§ 1.16(i)), and each application that contains a multiple dependent claim (§ 1.16(j)).

Since the application is not under a final rejection, applicant is given a time period of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, to submit either: (1) the fee payment of **\$450**, or (2) an amendment in compliance with 37 CFR 1.121 that cancels the excess claim(s), in order to avoid **ABANDONMENT**. Extensions of this time period may be granted under 37 CFR 1.136, unless the excess claim(s) was presented in a preliminary amendment.

- ☐ 1. The funds in Deposit Account No. \_\_\_\_\_ are insufficient to cover the entire fee due. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- ☐ 2. The Credit Card payment to cover the entire fee due to Account \_\_\_\_\_ (Card type + last 4 digits ONLY) was refused. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- ☒ 3. The amendment that includes the excess claim(s) has not been entered, since applicant has failed to remit (or authorize charge to a Deposit Account or Credit Card) the fee as indicated on the attached Patent Application Fee Determination Record (PTO/SB/06). Remittance or authorization is due within the time period set forth in this notice.
- ☐ 4. The fee submitted in this application is insufficient. A balance of \$ \_\_\_\_\_ is due for presentation of excess claims (37 CFR 1.16(h)-(j) or 1.492(d)-(f)).
- ☐ 5. Other.

Explanation (Provide specific details of the required correction in order to assist the applicant. Indicate whether a service charge has been added to the fee due):  
\_\_\_\_\_

THE AMOUNT OF THE FEE(S) DUE IS SUBJECT TO CHANGE, GENERALLY ON OCTOBER 1 OF EACH YEAR (37 CFR 1.16, 1.21 & 1.492). THE AMOUNT OF THE FEE(S) DUE IS DETERMINED AS OF THE DATE A COMPLETE REPLY WITH THE APPROPRIATE FEE(S) IS RECEIVED BY THE OFFICE (37 CFR 1.8 & 1.10). BECAUSE THE AMOUNT DUE IS SUBJECT TO CHANGE, IT IS RECOMMENDED THAT APPLICANT CHECK THE CURRENT FEE SCHEDULE WHICH IS AVAILABLE ON THE USPTO'S WEBSITE AT: <http://www.uspto.gov/web/offices/ac/qs/ope/fees.htm>

**Service Charges:** There is a \$50 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)). There is a \$25.00 service charge for each month when the balance of a deposit account is below \$1000 at the end of the month (37 CFR 1.21(b)(2)).

\_\_\_\_\_  
(571) 272 - 7238  
Technical Support Staff (TSS)

*Shirley Carmona*

Note to TSS: Please do NOT use this notice if the application is under a final rejection.